

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:  KAISER ALUMINUM CORPORATION, <i>et. al.</i> ,  <div style="text-align: right;">Debtors.</div>	X  :  :  :  :  :  X	Jointly Administered Under  Case No. 02-10429 (JKF)  Chapter 11  Re: Docket Nos.: 8264, 8272, 8273 and 8283
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**CERTAIN INSURERS' DESIGNATION OF ITEMS FOR  
RECORD ON APPEAL AND STATEMENT OF ISSUES ON APPEAL**

Certain Insurers,<sup>1</sup> by and through its undersigned attorneys, and pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, hereby designates the items to be included in the record and sets forth the statement of issues on its appeal from (i) *Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified* (D.I. 8225) (the "Confirmation Order") and (ii) the accompanying *Findings Of Fact And Conclusions Of Law Regarding Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified* (D.I. 8226) (the "Findings of Fact"), both entered by the Bankruptcy Court on February 6, 2006. This Designation of Items for Appeal is timely pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure.

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<sup>1</sup> "Certain Insurers" include Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company, and Continental Insurance Company. TIG Insurance Company (as successor by merger to International Insurance Company); ACE Property & Casualty Company, Central National Insurance Company of Omaha, Century Indemnity Company, Industrial Indemnity Company, Industrial Underwriters Insurance Company, and Pacific Employers Insurance Company; and AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, and National Union Fire Insurance Company of Pittsburgh, Pa., and New Hampshire Insurance Company.

**I. Designation Of Items For Record On Appeal.**

<b>Tab No.</b>	<b>Docket No.</b>	<b>Filing / Entry Date</b>	<b>Document Name</b>
1.	7311	September 7, 2005	Disclosure Statement to the Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates
2.	7312	September 7, 2005	Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates
3.	7320	September 8, 2005	Order (A) Approving Proposed Disclosure Statement, (B) Establishing Procedures For Solicitation And Tabulation Of Votes To Accept Or Reject Proposed Joint Plan Of Reorganization And (C) Scheduling A Hearing On Confirmation Of Proposed Joint Plan Of Reorganization And Approving Related Notice Procedures
4.	7460	September 30, 2005	Motion For Entry Of An Order Enforcing The Automatic Stay And Directing Certain Insurance Companies To Dismiss A Recently Filed Motion Seeking Adjudication Of Plan Confirmation Issues Insurance Coverage Litigation Pending In California State Court, Filed by Kaiser Aluminum Corporation
5.	7504	October 14, 2005	Objection to Certain Insurers' Objection to Motion for Entry of an Order Enforcing the Automatic Stay and Directing Certain Insurance Companies to Dismiss their Recent Motion Seeking Adjudication of Plan Confirmation Issues in California State Court, Filed by Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company, Continental Insurance Company and Other Insurers
6.	7659	November 7, 2005	Motion of Certain Debtors and Debtors in Possession for Entry of Stipulation and Agreed Order Regarding Plan Modifications and Potential Confirmation Objections By Certain Insurance Companies Filed by Kaiser Aluminum Corporation
7.	7718	November 14, 2005	Order Approving Stipulation and Agreed Order Regarding Plan Modifications and Potential Confirmation Objections by Certain Insurance Companies,
8.	7834	December 2, 2005	Objection to Confirmation Regarding the Inadequate Contributions by the Debtors to the Asbestos PI Trust That Fail to Satisfy the Minimum Requirements of the Bankruptcy Code Section 524(g), Filed by Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company, Continental Insurance Company and Other Insurers

Tab No.	Docket No.	Filing / Entry Date	Document Name
9.	7836	December 2, 2005	Objection to Confirmation of Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, and Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, Filed by ACE Property & Casualty Company, Central National Insurance Company of Omaha, Century Indemnity Company, Industrial Indemnity Company, Industrial Underwriters Insurance Company, Pacific Employers Insurance Company
10.	7839	December 2, 2005	Certain Insurers' Objection To The Alleged Statutory Preemption of Insurers' Rights And Debtors' Obligations Under Insurance Policies, Filed by AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company
11.	7840	December 2, 2005	Joinder Of Republic Indemnity Company And Transport Insurance Company (f/k/a Transport Indemnity Company) Into Certain Insurers' Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies And Additional And Supplemental Arguments Related Thereto, Filed by Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company)
12.	7843	December 2, 2005	CORRECTED Certain Insurers' Objection to the Alleged Statutory Preemption of Insurers' Rights and Debtors' Obligations Under Insurance Policies, Filed by AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company
13.	7847	December 5, 2005	Joinder in Certain Insurer's Plan Objections Filed by Hartford Accident & Indemnity Company, First State Insurance Company, New England Reinsurance Corporation and Nutmeg Insurance Company
14.	7851	December 5, 2005	Joinder In Certain Insurers' Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies, Filed by TIG Insurance Company ( as successor by merger to International Insurance Company)
15.	7961	December 16, 2005	Pre-hearing Brief of the Official Committee Of Unsecured Creditors In Support Of Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified



Tab No.	Docket No.	Filing / Entry Date	Document Name
16.	7962	December 16, 2005	Joinder of the Future Silica and CTPV Claimants' Representative to Reorganizing Debtors' Response to Certain Insurers' Amended Objection to the Alleged Statutory Preemption of Insurers' Rights and Debtors' Obligations Under Insurance Policies, Republic Indemnity Company and Transport Insurance Company's Additional and Supplemental Arguments Related Thereto, and Any Joinders Thereto, Filed by Future Silica Claimants' Representative
17.	7966	December 17, 2005	Memorandum of Law of Reorganized Debtors and Official Committee of Asbestos Claimants in Response to Certain Insurers' Objections to Confirmation of the Second Amended Joint Plan of Reorganization as Modified, Filed by Kaiser Aluminum Corporation, Official Committee of Asbestos Claimants
18.	7967	December 17, 2005	Memorandum of Law of Reorganizing Debtors (A) in Support of Confirmation of the Second Amended Joint Plan of Reorganization as Modified, (B) in Response to Pending Objections Thereto and (C) Requesting Authorization to Make Plan Modifications, Filed by Kaiser Aluminum Corporation
19.	7968	December 17, 2005	Joinder to Joint Memorandum of Law of Reorganized Debtors and Official Committee of Asbestos Claimants in Response to Certain Insurers' Objections to Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, as Modified Re Docket No. 7966, Filed by Martin J. Murphy
20.	8046	December 30, 2005	Joinder Into Certain Insurers' Amended Objection to the Alleged Statutory Preemption of Insurers' Rights and Debtors' Obligations Under Insurance Policies, Filed by Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company)
21.	8057	January 3, 2006	Reply Of Excess Insurers In Support Of Limited Objection, Filed by Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company)

Tab No.	Docket No.	Filing / Entry Date	Document Name
22.	8058	January 3, 2006	Reply of Certain Insurers In Further Support Of Their Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies And In Response To The Joint Memorandum Of The Reorganizing Debtors And Official Committee Of Asbestos Claimants, Filed by AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company
23.	8060	January 3, 2006	Reply Brief To Plan Proponents' Briefs In Support Of The Second Amended Joint Plan Of Reorganization, Re Docket Nos 7961, 7966, Filed by Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company, Continental Insurance Company and Other Insurers
24.	8063	January 3, 2006	Declaration Of Anne M. Ferazzi, Representative
25.	8065	January 3, 2006	Affidavit in Support of Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates as of September 7, 2005, as Amended Through January 3, 2006, Filed by Martin J. Murphy
26.	8066	January 3, 2006	Declaration of Edward F. Houff in Support of Confirmation of Second Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code
27.	8067	January 3, 2006	Declaration of Blake O'Dowd In Support Of Confirmation Of The Second Amended Joint Plan Of Reorganization
28.	8135	January 13, 2006	Transcript of Hearing Held On January 9, 2006 Before The Honorable Judith K. Fitzgerald
29.	8225	February 6, 2006	Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
30.	8226	February 6, 2006	Findings Of Fact And Conclusions Of Law Regarding Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
31.	8264	February 15, 2006	Notice of Appeal Filed by TIG Insurance Company (as successor by merger to International Insurance Company)

Tab No.	Docket No.	Filing / Entry Date	Document Name
32.	8272	February 15, 2006	Notice of Appeal Filed by Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company and Continental Insurance Company
33.	8273	February 15, 2006	Notice of Appeal of Certain Insurers to Order Confirming the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of their Debtor Affiliates, as Modified. Filed by ACE Property & Casualty Company, Central National Insurance Company of Omaha, Century Indemnity Company, Industrial Indemnity Company, Industrial Underwriters Insurance Company, Pacific Employers Insurance Company
34.	8276	February 15, 2006	Notice of Appeal By Transport Insurance Company (f/k/a Transport Indemnity Company) Of Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
35.	8277	February 15, 2006	Notice of Appeal By Republic Indemnity Company Of Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
36.	8278	February 15, 2006	Notice of Appeal By First State Insurance Company, Hartford Accident And Indemnity Company, New England Reinsurance Corporation And Nutmeg Insurance Company Of Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified.
37.	8283	February 15, 2006	Notice of Appeal of AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA., and New Hampshire Insurance Company of Order Confirming the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, As Modified

Tab No.	Docket No.	Filing / Entry Date	Document Name
38.	8293	February 16, 2006	Motion to Allow for De Novo Review of Findings of Fact and Conclusions of Law Regarding Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of their Debtor Affiliates, as Modified, Filed by Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company and Continental Insurance Company
39.	8295	February 16, 2006	Joinder of AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA., and New Hampshire Insurance Company in Request by Columbia Casualty Company, Transcontinental Insurance Company, Harbor Insurance Company, and Continental Insurance Company for De Novo Review of Findings of Fact and Conclusions of Law Regarding Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of their Debtor Affiliates, as Modified
40.	8296	February 16, 2006	Joinder Filed by TIG Insurance Company (as successor by merger to International Insurance Company)
41.	8297	February 16, 2006	Joinder Of Certain Insurers In Request By Columbia Casualty Company, Transcontinental Insurance Company, Harbor Insurance Company, And Continental Insurance Company For De Novo Review Of Findings Of Fact And Conclusions Of Law Regarding Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified Filed By Ace Companies
42.	8298	February 16, 2006	Request By First State Insurance Company, Hartford Accident And Indemnity Company, New England Reinsurance Corporation And Nutmeg Insurance Company For De Novo Review Of Findings Of Fact And Conclusions Of Law Regarding Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified



Tab No.	Docket No.	Filing / Entry Date	Document Name
43.	8299	February 16, 2006	Request By Republic Indemnity Company And Transport Insurance Company (f/k/a Transport Indemnity Company) For De Novo Review Of Findings Of Fact And Conclusions Of Law Regarding Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified

## **II. Statement Of Issues On Appeal.**

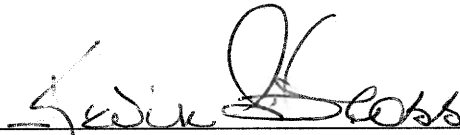
1. Did the bankruptcy court err in concluding that 11 U.S.C. § 1123(a)(5) empowers a debtor in possession to assign its insurance contracts and/or alleged rights thereunder to a trust established pursuant to 11 U.S.C. § 524(g) pursuant to a Chapter 11 plan of reorganization, notwithstanding the anti-assignment clauses contained in such contracts or otherwise applicable law?
2. Did the bankruptcy court err in concluding that 11 U.S.C. § 1123(a)(5) preempts otherwise applicable law regarding assignment of a debtor in possession's insurance contracts and/or alleged rights thereunder.
3. Did the bankruptcy court err in concluding that it had jurisdiction to order the assignment of alleged rights under non-executory insurance contracts?



Dated: February 27, 2006  
Wilmington, Delaware

Respectfully submitted,

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